

**UTAH AIR QUALITY BOARD MEETING**  
**May 1, 2013 – 1:30 p.m.**  
**195 North 1950 West, Room 1015**  
**Salt Lake City, Utah 84116**

**FINAL MINUTES**

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**I. Call-to-Order**

The Air Quality Board meeting was called to order at 1:39 p.m.

Board members present: Kathy Van Dame, Steve Sands, Michael Smith, Tammie Lucero, Karma Thomson, Craig Petersen, Kerry Kelly, and Robert Paine

Excused: Amanda Smith

Executive Secretary: Bryce Bird

**II. Board Member Administrative Paperwork and Oath of Office Forms.**

Mr. Bird explained that earlier this year this Board was dissolved and a new Board was approved by the Utah Senate and reappointed in April 2013. In addition, the size of the Board went from an 11 member Board to a 9 member Board. Administrative paperwork was completed and a brief introduction was given by each Board member.

**III. Election of Chair and Vice-Chair.**

Mr. Bird opened nominations for Chair of the Air Quality Board for the current year. Ms. Kelly nominates Steve Sands and was seconded by Mr. Petersen. Mr. Petersen moved that nominations cease and the motion was seconded by Dr. Paine followed by a vote approving Mr. Sands as Chair.

- Kerry Kelly nominates Steve Sands as Chair of the Air Quality Board. Craig Petersen seconded. The Board approved unanimously that Steve Sands serve as Chair of the Air Quality Board.

Mr. Sands opened nominations for Vice-Chair of the Air Quality Board for the current year. Dr. Paine nominates Kerry Kelly and seconded by Ms. Van Dame. Mr. Smith moved that nominations cease and the motion was seconded by Ms. Lucero followed by a vote approving Ms. Kelly as Vice-Chair.

- Robert Paine nominates Kerry Kelly as Vice-Chair of the Air Quality Board. Kathy Van Dame seconded. The Board approved unanimously that Kerry Kelly serve as Vice-Chair of the Air Quality Board.

**IV. Date of the Next Air Quality Board Meeting: June 5, 2013**

As part of future planning, the Board will decide in June if the July 2013 meeting will be held on July 3 or July 10, due to the national Independence Day holiday.

**V. Approval of the Minutes for February 27, 2013, Board Meeting.**

Ms. Van Dame made a correction to Item F. on page 3 to reflect the past tense that Representative Snow “proposed” House Bill 97.

- Robert Paine moved to approve the minutes as corrected. Michael Smith seconded. The Board approved unanimously.

**VI. Final Adoption: Amend R307-403-1. Purpose and Definitions, R307-403-2. Applicability, and R307-420. Permits: Ozone Offset Requirements in Davis and Salt Counties; Final Adoption: New Rule R307-403-10. Analysis of Alternatives and R307-403-11. Actuals PALS; Final Adoption: Repeal R307-401-19. Analysis of Alternatives and R307-401-20. Relaxation of Limitations. Presented by Mark Berger.**

Mark Berger, Environmental Planning Consultant at DAQ, stated that on February 6, 2013, the Board proposed changes to Utah’s nonattainment area permitting rules to incorporate EPA’s new source review (NSR) reform provisions, add PM<sub>2.5</sub> provisions, and establish volatile organic compounds (VOCs) as a PM<sub>2.5</sub> precursor. A public comment period was held from March 1 to April 1, 2013, and several clarifying changes were made to two of the rules in response to comments. Staff recommends the Board adopt R307-403-2 and R307-420 as amended and R307-403-1, R307-403-10, R307-403-11, R307-401-19, R307-401-19, and R307-401-20 as proposed.

In discussion, staff explained that this rule is following the definitions already included in R307-101’s general definitions, as part of the PM<sub>2.5</sub> state implementation plan (SIP) process. For the purposes of what was done for the PM<sub>2.5</sub> SIP for Logan and the technical work being done on the rest of the PM<sub>2.5</sub> SIPs, ammonia was not identified through that process as a precursor. The way it’s outlined in the permitting rule is that through the SIP process specific precursors that were not automatically include would be identified. So in the PM<sub>2.5</sub> SIP for Logan, VOC was identified as a precursor but ammonia was not.

- Kathy Van Dame moved that the Board approve final adoption to amend R307-403-1, Purpose and Definitions, R307-403-2, Applicability, and R307-420, Permits: Ozone Offset Requirements in Davis and Salt Counties; final adoption: new rule R307-403-10, Analysis of Alternatives, and R307-403-11, Actuals PALS; final adoption: repeal R307-401-19, Analysis of Alternatives, and R307-401-20, Relaxation of Limitations. Kerry Kelly seconded. The Board approved unanimously.

**VII. Propose for Public Comment: New Rule R307-210-2. Oil and Gas Sector: New Source Performance Standards; New Rule R307-214-3. Oil and Gas Sector: National Emission Standards for Hazardous Pollutants. Presented by Mark Berger.**

Mark Berger, Environmental Planning Consultant at DAQ, stated that on August 12, 2012, EPA adopted new source performance standards (NSPS) and corresponding revisions to the national emission standards for hazardous air pollutants (NESHAPs) for the oil and gas sector. This proposed rule change would incorporate these standards in Utah’s rules.

In discussion, staff explained that there are not a lot of variations between state and EPA rules and that DAQ is essentially incorporating it by reference. The standards are already in effect nationally and this makes them enforceable under state rules as well so that inspectors would be able to enforce these rules rather than refer any potential issues to EPA.

- Karma Thomson moved that the Board approved R307-210-2 and R307-214-3, New Source Performance Standards, as proposed. Michael Smith seconded. The Board approved unanimously.

#### **VIII. Propose for Public Comment: Amend R307-101-3. General Requirements: Version of Code of Federal Regulations Incorporated by Reference. Presented by Mark Berger.**

Mark Berger, Environmental Planning Consultant at DAQ, stated that R307-101-3 incorporates by reference the version of the Code of Federal Regulations (CFR) used in many of the rules adopted by the Board. By incorporating this rule, it allows DAQ to adopt the incorporation date with only one rule amendment instead of doing an amendment for each rule. This rule amendment incorporates the July 1, 2012, version of the CFR into the rule. The Board was given a table showing changes to 40 CFR that affect rules referenced in R307-101-3. Staff recommends the Board propose the amended R307-101-3 for public comment.

In discussion, staff explained that each rule in the table references a specific portion of the CFR as incorporated as the date of R307-101-3. So unless it's otherwise noted in R307, this rule changes the date to the current version of the CFR. The table outlines every section of R307 that references the rule back to this modified rule.

- Kerry Kelly moved that the Board propose the amended R307-101-3 for public comment. Robert Paine seconded. The Board approved unanimously.

#### **IX. Informational Items.**

##### **A. PM<sub>2.5</sub> State Implementation Plan Update and Discussion. Presented by Bill Reiss.**

Bill Reiss, Environmental Engineer at DAQ, reminded the Board that the SIP for the Logan nonattainment area was submitted to EPA, with a placeholder for an inspection and maintenance (I/M) program. Since the submittal of the Logan SIP, the Bear River Health Department has proposed its regulation outlining the terms and details of the I/M program and it is currently out for public comment. Currently, the SIPs along the Wasatch Front have not been submitted to EPA. Staff is addressing deficiencies that were identified during the public comment period and is also working closely with EPA on the deficiencies. The reasonably available control technology (RACT) analysis as it pertains to large stationary point sources appears to be the biggest deficiency. The contractor retained by DAQ just completed its preliminary work on each of the sources identified by DAQ, staff will then identify things that will be both technologically and economically feasible, and those ideas will then be ranked in terms of their cost effectiveness and tested in the Air Quality Model.

In response to Kip Billings of the Wasatch Front Regional Council question about the difference in numbers for Salt Lake County from December to now, Mr. Reiss stated that only one year's worth of data were used in December using EPA's Modeled Attainment Task Software (MATS). It was identified that MATS requires the use of a five year data set for evaluation. This brought out that the predicted concentrations coming out of the model are not as responsive to changes in the inventory as staff had believed in December. This is also true for Utah County and Cache Valley. Susan Hardy of the Mountainland Association of Governments commented that it's puzzling to see that currently we seem to be at exactly the same concentration level as stated in December even with the new modeling and additional five year data set. Mr. Reiss and staff addressed several questions from the Board and also stated that in working with EPA, it appears an acceptable model has been reached.

**B. Ozone Special Studies. Presented by Seth Arens and Colleen Delaney.**

Seth Arens, Environmental Scientist at DAQ, gave an overview of the ozone special studies that focused on the summer months beginning in 2010. These studies were primarily due to the expectation that EPA was going to lower the ozone standard. The study's overall goals were to assess potential ozone nonattainment areas within Utah, to assess concentrations of ozone in areas of rural Utah where no measurements had been made, estimate impacts of regional and global transport on ozone concentrations in Utah, and to assess the role of the Great Salt Lake on ozone formation along the Wasatch Front. Some of the factors affecting rural ozone are regional transport, wildfire, and stratospheric ozone intrusion. It was also noted that the data collected is non-regulatory data and will not impact whether we attain the ozone standard or not because all 27 monitoring sites in this study were temporary non-regulatory sites. Currently, all of the permanent monitors in Utah are in attainment of the current ozone national ambient air quality standards (NAAQS).

**C. Healthy Environment Alliance (HEAL) of Utah Tier 3 Vehicle Standards. Presented by Matt Pacenza.**

Matt Pacenza, Policy Director at HEAL Utah, presented information to the Board on EPA's proposed changes to Tier 3 standards. Motor vehicle emissions remain a significant contributor to air quality problems. EPA is proposing to lower the sulfur content of gasoline beginning in 2017 and to set new vehicle emissions standards. The proposed gasoline sulfur standard would make emission control systems, such as catalytic convertors, more efficient in reducing emissions from motor vehicles. The changes would result in reductions in pollutants such as ozone, particulate matter, and air toxics. In addition, this proposal would require technology improvements in vehicles beginning in 2015 model years through 2025. EPA's consultant, MathPro, estimates the cost for refineries to produce the lower sulfur gasoline to be 8/10 of \$.01 per gallon to which the refinery industry is claiming an estimate more in the range of \$.05-.08 a gallon. In closing, HEAL Utah is encouraging public comments, especially from the Air Quality Board, to EPA in support of proposed changes to Tier 3 standards. The comment period ends on June 13, 2013. After addressing questions from the Board, it was requested that staff update the Board in June so the Board can decide if they will draft a letter of support on the proposed changes to the Tier 3 standards.

**D. Air Toxics. Presented by Robert Ford.**

**E. Compliance. Presented by Jay Morris and Harold Burge.**

**F. Monitoring. Presented by Bo Call.**

Bo Call updated the Board on monitoring information.

**G. Other Items to be Brought Before the Board.**

In response to the status of the outdoor wood boiler rule going before a Legislative committee, Mr. Bird responded that it has not been put on the Administrative Rules Review Committee schedule at this time and the Board will be given notice if the status changes in the future.

In response of how the federal sequestration might affect us, Mr. Bird responded that EPA has not issued final numbers yet and so final impacts to Utah are not known at this time. A full summary will be provided at a future meeting.

It has been requested and agreed that Ms. Kelly will give a presentation at the next Board meeting of an article she co-authored on identifying contributors to PM<sub>2.5</sub> in the Salt Lake City airshed.

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Meeting was adjourned at 3:44 p.m.

Minutes Approved: June 5, 2013